IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.3382 of 2006

DATE OF ORDER: 28.3.2007

Krishan Kumar

...Petitioner(s)

Versus

Sunil Kumar and others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Sudhir Aggarwal, Advocate.

Mr. P.K Chugh, Advocate.

Mr. R.K. Bashamboo, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 3.12.2005 passed by Lok Adalat and then order dated 3.3.2006 passed by MACT, Gurgaon.

Trial court record has been received. It comes out that Krishan Kumar present petitioner had filed a claim petition claiming Rs.6,00,000/- as compensation for injuries on his person. Issues had been framed on 29.9.2005 and the case was fixed for claimant's evidence on 11.1.2006. It comes out that there was some lok adalat on 3.12.2005 and in that, counsel for the petitioner Sh. Harish Saini, Advocate had agreed that there was a settlement between the parties for compensation of Rs.18,000/-. After this, lok adalat presided over by MACT, Gurgaon had passed an award stating that Rs.18000/- be paid by the Insurance Company within a period of two months, failing which the company had been further made liable to pay interest @ 7.5 % per annum. Award was passed on 3.12.2005. An application of the petitioner-claimant for reopening the matter was dismissed by MACT vide order dated 3.3.2006.

On behalf of the petitioner, it is argued that the petitioner was never called. The matter was decided even before the date fixed and that

the petitioner had not authorised any counsel to make such statement.

On behalf of the respondent-Insurance Company, it is argued that the claim petition was filed by the present petitioner through Sh. Harish Saini, Advocate. It is argued that as per Legal Services Authority Act, settlement arrived at between the parties and award made by the lok adalat cannot be challenged and cannot be set aside.

I find that the claim petition had been filed through Sh. K.K. Aggarwal, Advocate although it appears from some documents filed on behalf of the petitioner that Sh. Harish Saini, Advocate was also representing the petitioner.

In the present case, date fixed was 11.1.2006. Matter appears to have been taken on 3.12.2005 by lok adalat. It is nowhere recorded that the petitioner himself was present. Award had been made on the statement of Sh. Harish Saini, Advocate.

In the facts and circumstances of the case, it would be appropriate that the matter is decided on merits by MACT. As such petition is accepted. Award dated 3.3.2006 passed by MACT, Gurgaon is set aside. Let parties to appear before the MACT on 27.4.2007.

Trial court record be returned.

March 28, 2007 (M.M. AGGARWAL)
manoj JUDGE